

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE INC.,

Plaintiff,

v.

JOSHUA FISHER, *et al.*,

Defendants.

Case No. C23-1143-MLP

ORDER

This matter is before the Court on Plaintiff Bungie Inc.’s (“Bungie”) *Ex Parte* Motion for Leave to File Amended Complaint. (Mot. (dkt. # 52).) Bungie requests leave to file an amended complaint to name Defendants who were previously unknown to Bungie, but were identified recently after conducting expedited, third-party discovery. (*Id.* at 1.) Bungie also requests leave to amend so that it can assert additional causes of action against said Defendants. (*Id.*) Defendants have not yet appeared in this matter, and accordingly, there was no response to Bungie’s Motion. (*Id.* at 4.)

Having considered Bungie’s submissions, the balance of the record, and the governing law, Plaintiff’s *Ex Parte* Motion for Leave to File Amended Complaint (dkt. # 52) is GRANTED, as further explained below.

1 After passage of the initial period to amend as a matter of course, Federal Rule of Civil
2 Procedure 15 requires leave of Court to file an amended complaint. Fed. R. Civ. P. 15(a). “The
3 court should freely give leave when justice so requires.” *Id.*; see *Eminence Cap., LLC v. Aspeon,*
4 *Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (Leave to amend under Rule 15 “is to be applied with
5 extreme liberality.”) (quotation omitted). Factors weighing against leave to amend include undue
6 delay, bad faith, failure to cure deficiencies in previous amendments, undue prejudice to
7 opposing parties, and futility of amendment. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

8 Here, none of these factors weigh against granting leave for Bungie to file an amended
9 complaint. Bungie has expediently conducted third-party discovery to identify unknown
10 Defendants since Bungie filed its initial complaint. There have been no prior amendments, and
11 no parties would be prejudiced by new pleadings since Defendants have yet to answer the initial
12 complaint, or even appear in this matter. In accordance with the “extreme liberality” in which
13 courts should consider Rule 15 motions, the Court finds good reason to grant Bungie’s Motion.

14 For the foregoing reasons, Plaintiff’s *Ex Parte* Motion for Leave to File Amended
15 Complaint (dkt. # 52) is GRANTED. Pursuant to LCR 15, Plaintiff shall file its amended
16 complaint in the form submitted (dkt. # 52-1) and serve it on all parties within **fourteen (14)**
17 **days** of this Order.

18 Dated this 12th day of June, 2024.

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21 MICHELLE L. PETERSON
22 United States Magistrate Judge
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